

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-137-W/S - ORDER NO. 1999-547
AUGUST 4, 1999

IN RE: Application of Tega Cay Water Service, Inc.)
for Approval of an Increase in Rates and)
Charges for Water and Sewer Service.)
ORDER ON *✓ MR*
DISPOSITION OF
UNCLAIMED REFUNDS

By letter dated June 24, 1999, Tega Cay Water Service, Inc. ("TCWS") filed a letter with the Public Service Commission of South Carolina ("Commission") in which TCWS informed the Commission that it had completed refunds required under Order No. 1999-191. TCWS further advised the Commission that the refunds totaled \$105,019.10 and were posted on April bills, which were mailed on May 7, 1999.

TCWS also advised the Commission that of the total refund amount that \$10,822.92 was posted to the inactive accounts of customers who are no longer served by TCWS. According to TCWS, approximately 350 inactive accounts exist. TCWS also requested that it be allowed to transfer the \$10,822.92 belonging to the inactive accounts to the account of contributions in aid of construction ("CIAC") for the benefit of existing TCWS customers.

The Consumer Advocate for the State of South Carolina ("Consumer Advocate") filed a letter with the Commission opposing the treatment of the monies due inactive accounts advanced by TCWS. The Consumer advocate proposed that the monies due inactive accounts be sent to those customers in a refund check, if the customers can be

reasonably located. In the event the customers cannot be located, the Consumer Advocate proposed that the remaining balance should be returned directly to existing customers via a bill credit. The City of Tega Cay, a party in this docket, filed a letter in support of the Consumer advocate's proposal.

Upon consideration of the request of TCWS as to the disposition of the monies due inactive accounts on the TCWS system, the Commission is advised of the "Uniform Unclaimed Property Act" and in particular S.C. Code Ann. Section 27-18-90(B) (1991) which provides as follows:

any sum which a utility has been ordered to refund and which was received for utility services rendered in this State, together with any interest thereon, less any lawful charges, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than five years after the date it became payable in accordance with the final determination or order providing for the refund is presumed abandoned.

Further, S.C. Code Ann. Section 27-18-40 (1991) provides in relevant part that

...intangible property is subject to the custody of this State as unclaimed property if the conditions raising a presumption of abandonment under Sections 27-18-30 and 27-18-60 through 27-18-170 are satisfied

The Commission finds that the Uniform Unclaimed Property Act governs the disposition of any refund money which has not been claimed. Therefore, based upon the provisions of the Uniform Unclaimed Property Act, the Commission concludes that it cannot grant either the treatment requested by TCWS or the treatment proposed by the Consumer Advocate and endorsed by the City of Tega Cay.

IT IS THEREFORE ORDERED THAT:

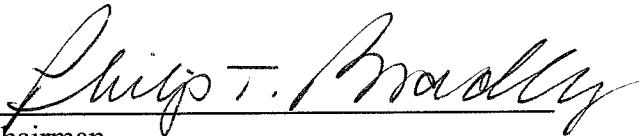
1. The request of TCWS that it be allowed to transfer the refund monies due inactive accounts to the account of contributions in aid of construction (“CIAC”) for the benefit of existing TCWS customers is denied.
2. The proposal of the Consumer Advocate that any remaining balance of monies due inactive accounts be returned directly to existing customers via a bill credit is also denied.
3. In handling the monies due inactive accounts, TCWS is directed to comply with all applicable state laws, in particular the Uniform Unclaimed Property Act found at S.C. Code Ann. Section 27-18-10 et seq. TCWS is further directed to comply with the reporting and notice requirements of the Uniform Unclaimed Property Act.
4. TCWS shall provide notice to the Commission upon payment or delivery by TCWS of the monies due inactive accounts to the administrator (i.e. the State Treasurer, his agents, or representatives) under the Uniform Unclaimed Property Act.

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5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)